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Chair: Mr. Hamid ..... (Malaysia)

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The meeting was called to order at 3.05 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/66/87)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, A/66/322, A/66/343, A/66/361, A/66/358, A/66/365, A/66/374 and A/66/518)

1. **Mr. Shaheed** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran) said that, without prejudice to the matters he wished to raise with the Iranian authorities, he espoused the concerns and recommendations expressed in the Secretary-General's recent report (A/66/361). With regard to methodology, while he had sought the cooperation of the Government of the Islamic Republic of Iran, he had been unable to arrange a meeting with any of its representatives until the previous day, far too late for the purposes of the interim report (A/66/374). It was therefore based solely on his interviews with Iranian nationals and the written reports of several reputable non-governmental organizations (NGOs).

2. Of the cases cited in the report, most involved inadequate observation of the rights guaranteed under three human rights treaties to which Iran was a party: the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. While the legal framework of the Islamic Republic of Iran appeared to protect certain human rights, there were glaring deficiencies in the implementation and enforcement of its obligations, and some elements of its penal code and legal practice were in contravention of the aforementioned treaties.

3. The Government was alleged to have obstructed free and fair elections, denied freedom of expression and assembly, deprived individuals of the right to education and harassed and intimidated religious or ethnic minorities, human rights defenders and civil society and religious actors. Women, students, political and labour activists, journalists, artists, environmentalists and religious leaders had been arrested and prosecuted, as well as some of their attorneys. There were reports of multifarious deficits in the administration of the system of justice, including practices that amounted to torture; cruel or degrading treatment of detainees; imposition of the death penalty in the absence of due process and judicial safeguards; denial of reasonable access to legal counsel and medical treatment; widespread use of secret and public executions; imposition of the death penalty in juvenile cases, and application of the death penalty to cases that did not meet the international standard for 'most serious' crimes.

4. It was important to recognize positive steps taken by the Iranian authorities, such as the recent decision to release up to 100 prisoners, many of whom had been arrested for their participation in the protests surrounding the 2009 presidential elections. He had sent a request and hoped to receive information from the Government regarding the process and criteria employed to grant amnesty. With respect to those remaining in prison, he called on the authorities to allow adequate medical access to Ayatollah Kazemeyni Boroujerdi and also to consider his immediate release, as well as that of all of the individuals listed in his report.

5. The human rights record of the Islamic Republic of Iran had come under scrutiny partially because of its reluctance to cooperate with the United Nations human rights system. Cooperation could only increase the confidence of the international community and lessen the potential for politicization. Despite unofficial statements of a willingness to cooperate and a standing invitation to special rapporteurs since 2002, the Government had not responded to urgent appeals for permission to visit from various thematic special rapporteurs, and none had visited since 2005. The Islamic Republic of Iran had an opportunity to show good faith by granting the two country visits supported by his mandate and facilitating communication with him. It could also demonstrate constructive engagement by how it responded to the outcome of its 2010 universal periodic review, to the issues highlighted by various United Nations bodies and to the resolutions of the General Assembly and the Human Rights Council.

6. At such an early stage in his mandate, and without any meaningful interaction with the Government, he had refrained from making recommendations or drawing substantive conclusions. However, the General Assembly could make its own constructive recommendations. He suggested that the Government should consider establishing a national human rights institution in line with the Paris Principles, as recommended by several members of the Human Rights Council during the country's universal

periodic report. It might also consider undergoing a voluntary midterm review to assist it in implementing those recommendations that it had accepted.

7. It was his hope that the mandate would facilitate a deeper understanding of the human rights situation in both its cultural and historical contexts and would advance efforts to address the challenges facing the Islamic Republic of Iran in an incremental, holistic manner. He looked forward to cooperation with the authorities and to dialogue with the international community.

8. **Mr. Berger** (Germany) expressed concern at the country's worsening human rights situation, particularly the dramatic increase in executions. He was especially appalled by the public hanging of a minor. Moreover, sentencing Protestant pastor Yousef Nadarkhani to death for apostasy was a blatant violation of freedom of religion. In addition, the Islamic Republic of Iran continued to persecute human rights defenders, journalists, opposition leaders and dissidents, such as recently sentenced film director Jafar Panahi.

9. By appointing the Special Rapporteur, the international community had signalled that it was keeping a close watch and would publicize violations. The European Union had also sent a strong signal by adding 29 Iranian human rights violators to its sanctions list on 10 October. Germany strongly urged the Iranian authorities to respect their obligations under international law by allowing the Special Rapporteur to enter the country, thereby paving the way for the planned official visit of the High Commissioner for Human Rights.

10. In his report, the Special Rapporteur had emphasized the ongoing severe discrimination against women, especially as it related to discriminatory laws. He wondered how the Special Rapporteur would address that issue when he met with the Iranian authorities. He would also be interested in the Special Rapporteur's opinion on the relative impact of different options for bringing international pressure to bear on individual cases of human rights violations.

11. **Ms. Hussain** (Maldives) said that the Maldives, a Muslim country, had benefited greatly during its transition to democracy from its interactions with the different human rights treaty bodies and mechanisms. It had supported the establishment of a mandate of Special Rapporteur on the situation of human rights in Iran, which it saw not as a reprimand but as an opportunity for dialogue. She therefore urged the Government to grant the Special Rapporteur's request to visit at the earliest opportunity. Deeply concerned by the deteriorating human rights situation in the Islamic Republic of Iran, the Maldives called upon the Government to fulfil its obligation to promote and protect the basic rights of minority groups, women, human rights activists and members of civil society and the intelligentsia.

12. **Mr. Sammis** (United States of America), citing highlights of the report, called particular attention to the detention of political leaders, such as Mir-Hossein Mousavi and Mehdi Karroubi; and religious leaders, such as Yousef Nadarkhani. Three political prisoners had been executed in January alone, amid a spike in officially announced executions. He would appreciate the Special Reporter's views on immediate ways in which the international community could help to improve the situation and provide human rights protection for those unjustly prosecuted. He would like to know whether the human rights advocates whom he had consulted thought it likely that the regime would further restrict human rights and fundamental freedoms.

13. **Ms. Tschampa** (Observer for the European Union) expressed deep concern regarding the human rights violations detailed in the report. She would like to know how the Special Rapporteur assessed his prospects for visiting the Islamic Republic of Iran before the next session of the Human Rights Council and what priorities he had set for that visit and afterwards. She wished to know what specific steps he would take to support the Government's implementation of the accepted recommendations from the universal periodic review and how the international community could assist. She was particularly interested in how he planned to approach the recommendations on releasing political prisoners and detainees and on improving conditions of imprisonment and detainment to conform to international standards. She wondered if the Islamic Republic of Iran might ratify more international human rights treaties in the short or medium term and, if so, which should be given priority. Lastly, regarding the dramatic increase in executions, she would like to know if they were reserved for the most serious crimes, how prevalent public executions and executions by extraordinarily cruel methods were

and how he assessed the independence of the judiciary in such cases.

14. **Ms. Freedman** (United Kingdom) said that her Government had been deeply concerned by statements from the Iranian authorities that they would not cooperate with the Special Rapporteur nor allow him to visit the country in his official capacity. As part of a country-specific mandate, the Special Rapporteur's visit should precede any other visits by United Nations human rights personnel. The United Kingdom agreed that the Special Rapporteur should focus his engagement on the universal periodic review recommendations, but including those rejected by the Islamic Republic of Iran, as well as on treaty body observations, the findings of other special procedures and the concerns addressed by the Secretary-General in his report. Her delegation would like to know how the Special Rapporteur intended to convey the message that working with him provided an opportunity to allay the international community's concerns. Given the breadth of those concerns, perhaps it would be best to narrow the initial focus to a few specific subjects, such as access to a fair trial.

15. The United Kingdom had been closely following the progress of a non-governmental organization bill under which NGOs would be obliged to have their board of directors vetted by a State supervisory committee, and all existing NGOs would be disbanded and required to re-register with the committee, thus giving the Iranian Government virtual control over civil society actors. She asked the Special Rapporteur to discourage the Islamic Republic of Iran from enacting such a law.

16. **Mr. Robinson** (Australia) said that his country remained deeply concerned by the human rights situation in the Islamic Republic of Iran, particularly its use of the death penalty, its intimidation and arrest of human rights activists, its suppression of freedom of expression and assembly and its treatment of religious and ethnic minorities. His delegation urged the Government to cooperate fully with the Special Rapporteur; it would like to know what the international community could do to assist him in carrying out his mandate.

17. **Ms. Boutin** (Canada) called on the authorities of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur. Her delegation was gravely concerned by the recent significant increase in executions, reports of the use of torture and other cruel and unusual forms of punishment, and ongoing restrictions on the freedoms of assembly, opinion and expression. Noting that one's choice of religion was a fundamental human right, she called on the Islamic Republic of Iran to release individuals arrested on the basis of their faith and to end the persecution of religious, ethnic and linguistic minorities. In view of the upcoming parliamentary elections, she would be interested in the Special Rapporteur's opinion as to what the Government should do to ensure free and fair elections, including a free and fair candidate selection process.

18. **Mr. Wetland** (Norway) saw a trend of increased human rights abuses, paralleled by little if any progress on opening the lines of communication with the Government or on the content of communications. His delegation wondered what, in the opinion of the Special Rapporteur, might be the likelihood of real engagement with the Islamic Republic of Iran on substantive issues in the medium term and how he intended to broach with the Government the serious allegations mentioned in his report.

19. **Ms. Sequensová** (Czech Republic) said that her delegation would like to know the most common offences for which the death penalty was imposed, as well as the domestic laws and practices the Special Rapporteur would target first in order to improve the situation of civil society actors. It would also appreciate the Special Rapporteur's view on overcoming the Government's consistent pattern of non-cooperation with United Nations human rights mechanisms.

20. **Ms. Löw** (Switzerland) requested the Special Rapporteur's opinion on possible avenues for halting the use of the death penalty in the Islamic Republic of Iran, as well as the repressive treatment of civil society, the infringement of women's rights and the oppression of ethnic and religious minorities. She also wondered how likely it was that he would be able to visit in 2011.

21. **Ms. Cavanagh** (New Zealand) expressed grave concern with regard to continued restrictions on freedom of religion and the recent increase in executions, including executions of minors. Her delegation would be interested in the Special Rapporteur's views as to the key drivers of that increase and whether it constituted a long-term trend. It would also be interested in his views on the

Government's engagement on the aforesaid concerns, particularly with respect to judicial safeguards, access to due process and the prosecution of minors, as well as on how that engagement might be enhanced.

22. **Mr. Al Habib** (Islamic Republic of Iran) said that the report was motivated by the political ambitions of the United States of America and its European allies, particularly the United Kingdom. The United States, which had spared no effort to manipulate the international community with fabricated, misleading information, should concern itself with its own dark human rights record, both at home and abroad in places such as the Middle East, where it had killed millions of innocent people. As for the United Kingdom, it would do better to look after the human rights of its own people.

23. **Mr. Sammis** (United States of America), speaking on a point of order, requested the speaker to refrain from baseless, irrelevant accusations.

24. **Mr. Al Habib** (Islamic Republic of Iran) said that his remarks were very relevant. What was supposed to have been a brief initial overview of the human rights trends in his country had morphed into a hastily prepared, detailed report consisting of a biased catalogue of poorly resourced, exaggerated and outdated accusations. The Islamic Republic of Iran had expressed its readiness to provide the Special Rapporteur with all of the material needed to prepare a balanced, well-documented report for submission to the Human Rights Council in March 2012. As a founding member of the United Nations and a party to the major international human rights instruments, it had a genuine, long-term commitment to safeguarding human rights, and it had achieved many substantiated advances in promoting and protecting civil, political, economic, social and cultural rights. It supported special procedures as technical, non-political mechanisms and had extended a standing invitation to special procedure mandate holders in 2002. Six special rapporteurs had visited the Islamic Republic of Iran since then, although since 2005 the two special rapporteurs invited to visit in order attend specialized conferences had rejected the invitation. The Islamic Republic of Iran cooperated with the Human Rights Council and the other treaty monitoring bodies. It had accepted more than 120 recommendations arising from its February 2010 universal periodic review and had been planning to invite to two special rapporteurs in 2012.

25. In conclusion, he expressed his Government's expectation that, in the interests of justice and fairness, Special Rapporteur's draft report would be amended to eliminate the repetitive allegations.

26. **Mr. Shaheed** (Special Rapporteur on the situation of human rights in the Islamic Republic of Iran) welcomed the offer of the Iranian Government's full support to ensure that his report was balanced and factually accurate. A comprehensive report should indeed reflect the concerns of the country, and he had sought the Government's engagement. Being country-specific, his mandate would allow him to achieve an in-depth, well-rounded appreciation of the country context. It required him to work in collaboration with the Government, to obtain the Government's permission to enter the country, to submit his findings confidentially to the Government before reporting to the United Nations again and to correct any errors brought to his attention. He hoped, therefore, that the Islamic Republic of Iran would see his mandate not as a stigma, but as an opportunity to find a way to move forward.

27. A number of the cases in the report were repetitive, in the sense that they addressed broadly similar issues. As for the outdated nature of its content, while some of the cases might be closed, they remained very relevant.

28. In his view, the best way to promote gender equality in the Islamic Republic of Iran was for it to agree to accede to the Convention on the Elimination of All Forms of Discrimination against Women, which had been ratified by many countries, including Organization of Islamic Cooperation members. The best way to encourage the country to improve its human rights record would be through the broadest possible participation of Member States. The Government was eager to see its views reflected in the report, and if the focus was on documented cases, at the end of the day it was likely to respond to the issues raised in them. With respect to the offences for which the death penalty was most frequently imposed, 70 per cent were for drug-related charges and the rest for vaguely defined charges of *Moharebeh* (enmity against God) and, occasionally, for sex offences. Recently, links to Camp Ashraf had been involved.

29. It would indeed be advantageous to focus on specific areas, and he was keen to discuss that topic with the Iranian authorities. Possible actions fell into

three categories: immediate responses, within the framework of existing laws; medium-term responses, requiring changes in the law; and longer-term responses, involving ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, which provided for the establishment of a national preventive mechanism in keeping with the Paris Principles.

30. In closing, he recalled that he had made every effort to reach out to the Government and to assert his impartiality, independence, objectivity and transparency by meeting with representatives of countries with close ties to it. He reiterated his hope that the Islamic Republic of Iran would see his mandate not as a penalty but as an opportunity for constructive dialogue.

31. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (A/66/365), said that the Government elected in November 2010 appeared committed to reform and had taken steps to advance and solidify Myanmar's transition to democracy. Since assuming office in April 2011, the President had set encouraging priorities, including promotion of fundamental rights and freedoms, respect for the rule of law and establishment of an independent and transparent judiciary, and had recently amnestied another two hundred prisoners of conscience. The ongoing talks between Daw Aung San Suu Kyi and the Minister of Labour and her meeting with the President were encouraging signs of its willingness to engage with the political opposition, which was essential for national reconciliation. During two regular sessions, the new national legislature had discussed important, sensitive issues relevant to human rights. A labour organizations bill allowing trade unions had been signed into law, and a bill to amend the law on the registration of political parties would make significant changes, including eliminating two key clauses: one barring anyone convicted in a court of law from joining a political party and another requiring a political party to have contested at least three seats in the 2010 general elections. The Government had lifted some restrictions on the media and the Internet, including the ban on foreign websites, and the Director of the Press Security and Registration Division had recently called for the elimination of press censorship. Another bill concerning peaceful gatherings and demonstrations would need some reworking to conform to international standards.

32. It was necessary for Myanmar to improve the integrity and functioning of its institutions and bodies. There was a critical need to clarify the national legislature's practices, rules and procedures, including the rules governing parliamentary immunity, and Myanmar should seek assistance from the international community and appropriate organizations to enhance the legislature's functioning and build its members' capacity. The judiciary, which still heard cases behind closed doors and arbitrarily revoked the licences of lawyers defending prisoners of conscience, was neither independent nor impartial. In addition to restoring those licences, the Government should implement his previous recommendations on the judiciary, which included judicial safeguards such as public trial, and should accept technical assistance from the international community on judicial reform, capacity building and training for judges and lawyers. To make the upcoming by-elections more participatory, inclusive and transparent, it would be necessary to reduce the cost of registering candidates, remove restrictions on the activities and campaigning of parties, ensure that complaints would be addressed in a more timely and transparent manner and guarantee respect for the freedoms of expression, assembly and association.

33. Ethnic and religious minorities still faced endemic discrimination. Guaranteeing respect for the rights of ethnic minorities was critical for national reconciliation and Myanmar's long-term political and social stability. It was essential for the Government to work with ethnic minorities to resolve long-standing, deep-rooted concerns. Tensions in ethnic border areas and conflict with some armed ethnic groups continued to give rise to serious human rights violations, including the use of landmines by both the State and non-State armed groups. He urged Myanmar to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Mine Ban Treaty) and to work with international organizations to develop a comprehensive plan to end the use of landmines, ensure their systematic removal and rehabilitate victims. He also urged it to finalize an effective action plan to halt the military's continued recruitment of child soldiers.

34. In the interest of national reconciliation, Myanmar should release all remaining prisoners of conscience unconditionally before the upcoming by-elections. Citing the allegations of torture and ill-treatment of prisoners mentioned in the report, he urged the Government to take immediate action to bring conditions of detention and treatment into compliance with international standards and to allow the newly returned International Committee of the Red Cross full access to prisons and prisoners. Also, in view of the Special Rapporteur's previous recommendation and the President's commitment to the rule of law, he hoped that the Government would set an early target date for completing the long overdue legal reforms required to clarify vague legal provisions used for many years to convict prisoners of conscience. He mentioned other concerns, including the denial of economic, social and cultural rights, particularly in the ethnic areas; the confiscation of land by the military; the exploitation of natural resources; forced population transfers for demographic purposes, and development-induced displacement.

35. The Special Rapporteur continued to receive accusations of gross and systematic violations of human rights. It was the responsibility of the Government to end impunity by appointing a credible, independent body to establish the facts and provide effective remedies. If the Government failed or was unable to do so, then the responsibility fell to the international community. In that connection, he welcomed the establishment of the Myanmar National Human Rights Commission. To ensure that it had the necessary independence and capacity to meet the requirements of the Paris Principles, the Government should seek the technical assistance of the Office of the High Commissioner for Human Rights. He hoped to meet with the Commission during a return visit to Myanmar and would present a preliminary assessment of the Commission's potential role in ensuring justice and accountability when he reported to the Human Rights Council in March 2012.

36. In closing, he expressed appreciation for Myanmar's engagement with the international community. He was grateful for the cooperation and flexibility shown during his August visit in preparation for his report to the General Assembly and hoped to have another opportunity to visit before reporting to the Human Rights Council in 2012.

37. **Mr. Kyaw** (Myanmar) said that during the three years since the Special Rapporteur's previous report to the General Assembly (A/63/341), he had acquired a profound understanding of the progress made in Myanmar. Myanmar had entered a new era of multiparty democracy. Incompatible old norms had been replaced by new ones, such as the Labour Organizations Act. Members of Parliament had the right to raise queries, make proposals and hold debates. Myanmar had been accepted as a member of the Inter-Parliamentary Association of the Association of Southeast Asian Nations (ASEAN) and was preparing to affiliate with the Inter-Parliamentary Union. The new President had set a clear goal of promoting political, economic and social development, which included national reconciliation. With a view to ending the decades-long insurgencies, the Government had issued an invitation to peace talks on 18 August 2011. He was grateful to the Special Rapporteur for his acknowledgement of his Government's readiness to listen to the voice of the people and of its ongoing efforts to address the remaining challenges, as illustrated by its acceptance of 74 of the 190 recommendations made during its universal periodic review.

38. On 5 September 2011, Myanmar had established the Myanmar National Human Rights Commission, which would investigate complaints filed by citizens and, if justified, transmit them to the authorities concerned for further action. The Commission was an independent human rights body that would actively cooperate with international and regional human rights organizations. Myanmar was taking steps to ratify some of the core human rights instruments, such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Since assuming office, the President had exercised his constitutional power to grant amnesty more than 26,000 times and would continue to do so when appropriate.

39. Myanmar took serious note of Special Rapporteur's suggestions and concerns. In view of its visible and irreversible progress towards democracy and economic development, the time had come to end the practice of submitting a country-specific resolution on Myanmar.

40. **Mr. Sammis** (United States of America) said that his delegation was pleased that the Special Rapporteur had been able to visit Burma for the first time since

2010. Despite some positive developments in the human rights situation in Burma, the situation remained grim.

41. **Mr. Kyaw** (Myanmar), speaking on a point of order, reminded the representative of the United States to use his country's official name.

42. **The Chair** asked for the cooperation of all representatives in using countries' official names.

43. **Mr. Sammis** (United States of America) apologized but said that he would have to continue to use his own country's official term. It was essential for the Government to begin the process of reviewing its Constitution and laws to bring them into line with the Universal Declaration of Human Rights. While his delegation was encouraged by recent Government initiatives, including substantive dialogue with pro-democracy leader Aung San Suu Kyi, it echoed the Special Rapporteur's call for the unconditional release of all political prisoners and an end to human rights abuses, particularly with respect to the country's ethnic minorities. He urged the recently created National Human Rights Commission to investigate human rights violations in accordance with international human rights standards, since the sincerity, credibility and speed of domestic efforts to investigate such violations would inform the international community's decisions about how best to support accountability in Burma.

44. **Mr. Kyaw** (Myanmar), speaking on a point of order, repeated his request for delegations to use his country's official name.

45. **The Chair** appealed again to all representatives to use the official United Nations names of countries.

46. **Mr. Sammis** (United States of America) requested the Special Rapporteur's observations on what steps should be taken in the border areas, including with respect to accountability, as well as on how the international community could help the National Human Rights Commission to become a credible, independent body.

47. **Ms. Tschampa** (Observer for the European Union) said that despite encouraging recent developments, the European Union shared the Special Rapporteur's concerns, especially with regard to the ongoing detention of many prisoners of conscience, and would once again be among the sponsors of a draft resolution on the situation of human rights in Myanmar. Her delegation would appreciate the Special Rapporteur's views on the specific areas in which the new National Human Rights Commission might play a role and on what measures would be required for it to be able to do so. It also wondered what steps the Government should take to expand and consolidate freedom of the media and in what areas other than judicial reform the Government should seek specific guidance from the international community, including thematic special rapporteurs.

48. **Mr. Kodama** (Japan) said that his delegation appreciated the Government's efforts towards national reconciliation and democratization, as well as its acceleration of dialogue with international partners such as the Special Rapporteur. It was important for the Government to follow through fully on its commitments and for the international community to support and assist it. Japan therefore expected that the upcoming by-elections would be free, fair and inclusive and that Special Rapporteur would visit the country again before reporting to the Human Rights Council in November, and it would continue to do its utmost to strengthen high-level human rights dialogue in Myanmar. His delegation would appreciate the Special Rapporteur's comments on any good practices instituted or valuable lessons learned as a result of cooperation between the Government of Myanmar and the Office of the High Commissioner for Human Rights, as well as on what forms or areas of cooperation could be expected in the future.

49. **Ms. Boutin** (Canada) welcomed the improvements noted by the Special Rapporteur during his visit, including the strengthening of parliamentary operations, the expansion of freedom of the press and the halting of potentially harmful megaprojects. Canada was encouraged by the Government's meetings with pro-democracy leader Aung San Suu Kyi, whose situation it was monitoring carefully, and welcomed the recent release of another wave of political prisoners, although it continued to call for the prompt, unconditional release of the many still remaining in detention. It was disturbed that important problems had been left unaddressed and in some cases, such as the ethnic situation, been allowed to worsen. It once again urged the authorities to engage in genuine and inclusive dialogue with ethnic groups and reiterated its call for full investigation of human rights abuses by Government and military personnel. Her delegation would be interested in the Special Rapporteur's views on the amnesty announced earlier that month and in

further details on the status of religious freedom in Burma.

50. **Mr. Frick** (Liechtenstein) would like to know what the international community could do to ensure United Nations support for measures to provide justice, accountability and access to the truth in Myanmar and what steps could be taken to secure the gains already made.

51. **Ms. Salman** (Malaysia) welcomed the positive transition in Myanmar and encouraged the Government to continue on the path of democratic reform. Her country still held positive engagement to be the best approach. Myanmar needed the support of the international community for capacity development and national reconciliation, and Malaysia stood ready to contribute in any way it could to full national reconciliation.

52. **Mr. Kim** Soo Gwon (Republic of Korea) said that despite the Government's many positive initiatives, further steps were necessary. His delegation joined in urging it to ensure that the upcoming by-elections were more participatory, inclusive and transparent. It must also assume its responsibility for ensuring justice and accountability by allowing an independent, impartial institution to investigate alleged human rights violations, and the Republic of Korea trusted that the Special Rapporteur would continue to engage with it constructively in that regard. His delegation once again joined the call for the prompt, unconditional release of all political prisoners. As a country in transition, Myanmar needed to accept assistance from the international community, and the Republic of Korea expected that the Special Rapporteur to continue to exercise his mandate with the full cooperation of the Government.

53. **Ms. Löw** (Switzerland) appreciated Myanmar's cooperation with the Special Rapporteur, its efforts to undertake political and economic reform and its recent progress on human rights and democratization. Her delegation called on the Government to release the remaining prisoners of conscience unconditionally and without delay and appealed to it to take immediate action to bring the conditions of detention and the treatment of prisoners into line with international norms. Switzerland was anxious to know how it could assist the Government's efforts to end the appalling use of prisoners and civilians as human shields. It supported the recommendation that the use of anti-personnel landmines should be prohibited in all cases and that the Government should ratify the Mine Ban Treaty. It remained disturbed by the large number of persons displaced by ethnic conflict and encouraged the Government to pursue national reconciliation, which implied ending that conflict through negotiation. Her delegation would like to know what measures the Special Rapporteur recommended for improving respect for the rights of internally displaced persons, especially their right to return in safety and dignity. It would also like to know the best way for Switzerland or others to encourage the Government to seek international assistance in building capacities and providing training for judges and lawyers.

54. **Ms. Rasheed** (Maldives) said that, owing to her own country's recent experience of shifting to a democratic system of government, it intimately understood the need for strong support from the international community. It therefore urged all nations to join with it in offering Myanmar their assistance. The Maldives was optimistic about the human rights situation in Myanmar. The resumption of political activities after over half a century clearly showed a willingness to engage in real reform and national reconciliation. However, the Maldives was particularly disappointed to note the deteriorating education system, the discrimination faced by many and the dismal conditions under which the 2010 elections had taken place, and it fully supported the Special Rapporteur's recommendations on those matters. The Maldives joined in urging the Government to release the remaining prisoners of conscience unconditionally and supported the Secretary-General's call for Myanmar to step up its efforts for reform. In that connection, her delegation would be grateful for the Special Rapporteur's perspective on Myanmar's progress in implementing its roadmap for democracy.

55. **Mr. Harber** (United Kingdom) said that, as a member of the European Union, the United Kingdom supported the proposed General Assembly resolution on the situation of human rights in Myanmar, the purpose of which was to identify areas for ongoing attention and assistance and renew the Secretary-General's good offices mandate. Despite recent positive developments, serious human rights issues remained. His delegation joined with the Special Rapporteur in calling for a concrete, time-bound plan for the release of all political prisoners, for the International Committee of the Red Cross to be

permitted to resume full-access prison visits and for the status of the National League for Democracy to be resolved. It was alarmed by the re-emergence of ethnic conflict, which could only be resolved by addressing long-standing grievances. It hoped, therefore, that the new National Human Rights Commission might prove a useful mechanism for conducting a credible investigation into past and ongoing human rights abuses and, ultimately, achieving accountability. If it did not, the international community must bring to justice those responsible, including through structures such as a commission of inquiry. The United Kingdom would welcome the Special Rapporteur's views on the capacity of the National Human Rights Commission to carry out such an investigation. It was also interested in his recommendations on building the capacity of the judiciary and guaranteeing access to independent lawyers, as well as in whether he had discussed those issues with the Government during his recent visit. In his next report, the Special Rapporteur should focus on the by-elections and look at how best to achieve civilian control of the military, which was vital for ensuring the rule of law.

56. **Mr. Wetland** (Norway) said that his delegation supported the mandate of the Special Rapporteur and appreciated his report, which it found honest, nuanced and a good basis for further work. The Foreign Minister of Norway had visited Myanmar two weeks previously, and his analysis of the situation coincided by and large with that of the Special Rapporteur. Norway was particularly concerned about the need for capacity building within Parliament, the judiciary and indeed all state institutions. It strongly supported multilateral efforts to that end and had invited delegations from Parliament and the Ministry of the Environment to visit Norway. His delegation would appreciate the Special Rapporteur's thoughts about the policies and decisions that prevented many multilateral institutions from assisting the Government of Myanmar.

57. **Ms. Li** Xiaomei (China) recalled China's position that human rights issues should be addressed through constructive dialogue and cooperation, not country-specific human rights resolutions and mechanisms. Reminding Member States of the obligation not to interfere in the internal affairs of Myanmar, she urged the Special Rapporteur to adhere strictly to his mandate: in other words, to make an objective, balanced, impartial assessment of the situation of human rights in Myanmar, strengthen his dialogue with the Government, promote human rights and foster national reconciliation.

58. China rejected the aspersions cast on it. Chinese companies in Myanmar and elsewhere were required to comply with the laws of each country. The hydropower projects in question had been launched after serious assessment and scientific examination and would benefit the Myanmar people. Over the years, many and varied Chinese projects in Myanmar had promoted its economic development. China would continue to cooperate with Myanmar on the basis of mutual respect and benefit.

59. **Mr. Srivali** (Thailand) said that the recent historic events should be viewed as critical steps in the long-term process of democratic development. Thailand applauded Myanmar's very tangible efforts, as well as its engagement with the Economic and Social Commission for Asia and the Pacific and the United Nations Development Programme (UNDP), and its expressed interest in cooperating with the international community. Thailand could not stress enough the need to recognize and further encourage the ongoing process. There had never been a better time for the international community to take actions to lift sanctions, increase technical development assistance, develop human resources and normalize the UNDP country programme for Myanmar. As an immediate neighbour and fellow member of the Inter-Parliamentary Association of the Association of Southeast Asian Nations (ASEAN), Thailand stood ready to assist Myanmar in any way needed.

60. **Mr. Yudha** (Indonesia) was encouraged that Myanmar had begun to implement some of the 10-point reform agenda. Given some Member States' scepticism about its long-term commitment to democratization, Indonesia welcomed the Government's recent enthusiasm for reaching out to the international community to articulate its own story. Member States must offer the support needed to ensure that progress in democratization and human rights could bring stability, security and prosperity. Indonesia would continue to make itself available, whether multilaterally within the framework of ASEAN or at the international level, to assist Myanmar in implementing its reform agenda.

61. **Mr. Potter** (Australia) said that his delegation would welcome further information from the Special

Rapporteur on how United Nations members could best secure Myanmar's reform process.

62. **Mr. Luhan** (Czech Republic) said that while his country was encouraged by recent events, it remained convinced of the need for substantial improvements. The Myanmar army continued to mistreat civilians and commit atrocities, despite the Government's prohibitions. He requested the Special Rapporteur's views on the prospects for change in the military and the role the international community might play in encouraging such change. The Czech Republic continued to support meaningful debate on the Special Rapporteur's prior recommendation for the establishment of a commission of inquiry, which it believed would be the most effective means of ensuring an independent, impartial and credible investigation of human rights violations. It would be interested in the Special Rapporteur's opinion regarding the willingness and capacity of the Government to carry out such an investigation on its own.

63. **Mr. Ojea Quintana** (Special Rapporteur on the situation of human rights in Myanmar) said that the Government of Myanmar should make a categorical decision to release all prisoners of conscience. Daw Aung San Suu Kyi, who was establishing amicable relations with the authorities and striving to understand the process, stood as an example of how the other prisoners of conscience would use their freedom. The Government should not attempt a military solution to the decades-long conflicts in the ethnic regions. Rather it should lay the groundwork for reconciliation and a negotiated peace by shouldering its responsibility for justice and accountability, in order to halt the pattern of massive and systematic violations of basic rights. He was committed to working to give the recently established National Human Rights Commission the independence required to investigate those violations. He urged Member States to seek means of cooperating with Myanmar to improve the judiciary and, in coordination with the Office of the High Commissioner for Human Rights, the statutes of the National Human Rights Commission. They should also explore avenues for helping Parliament to attain its very considerable potential.

64. The international community must seize a historic, one-time opportunity to support political, social and cultural transformation in Myanmar during its transition to democracy. As Special Rapporteur, his function was to strive with the Government of Myanmar towards an ultimate goal, beyond democracy: the promotion and protection of human rights, which was synonymous with the well-being of the people. While all transitions to democracy were gradual, where human rights were at stake, it was necessary to take categorical, radical decisions immediately, and he urged the Government to do so in the areas that he had indicated.

65. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that the report before the Committee (A/66/322) covered the March-December 2011 period and included his visit to Thailand, where he had met with officials of the Thai Government, representatives of United Nations agencies and NGOs, academics and diplomats. He had combined information gathered during his mission with reports, interviews and briefing papers by NGOs, United Nations offices and many other reliable sources.

66. According to available statistics, between January and April 2011 close to 870 asylum-seekers from the Democratic People's Republic of Korea had crossed into Thailand, which, unlike a number of other States in the region, consistently adhered to the principle of non-refoulement. Human traffickers sometimes exploited asylum-seekers, and women asylum-seekers were often exposed to various forms of violence. He reminded States that in addition to taking measures to thwart traffickers or people smugglers, they needed to ensure that asylum-seekers had easy access to assessment procedures, protection and refugee assistance organizations. Most Southeast Asian countries used detention as a migration management tool, even against refugees and asylum-seekers, in contravention of the Convention relating to the Status of Refugees.

67. In 2011, problems associated with total Government control of food production and supply had been compounded by a severe winter and a squeeze on commercial imports and bilateral assistance. Government rations met less than half of the daily caloric needs of the 68 per cent of the population that received them. Most could not afford to buy additional food, and it was possible that rations had run out altogether by the May-July lean season. The World Food Programme had launched an emergency operation to assist over 3.5 million of the most vulnerable, and its appeal had attracted some donors, although perhaps

not enough. A longer term solution to food scarcity must combine the resumption of food and other humanitarian assistance with urgent measures to rectify flaws in the public distribution system and the centrally controlled economy.

68. The Democratic People's Republic of Korea was the only country in the Asia-Pacific region that was not on track to meet Millennium Development Goals 4, 5 and 6 on reducing child mortality, improving maternal health and combating HIV/AIDS, malaria and other diseases. With virtually no new investment in infrastructure since the early 1990s, it lacked the power-generation, water, sanitation and physical facilities required to maintain proper hospital infection controls. Serious shortages of essential medicines and basic medical equipment persisted. While international humanitarian assistance was essential, the State must also take urgent action to provide adequate nutrition and health care to malnourished women and children and improve maternal health care. In addition, it was necessary to strengthen hospital and clinic logistics, improve access to safe water and sanitation services and encourage better hygiene practices. He wished to emphasise that the right to water and sanitation required them to be available, accessible, safe, acceptable and affordable for all, without discrimination.

69. Negotiating a 'humanitarian space' in the Democratic People's Republic of Korea had been a long and difficult process, and United Nations entities and NGOs continued to face operational challenges, especially in gaining access to various part of the country in order to monitor delivery. Agencies providing development aid also needed monitoring access.

70. The Government continued to impose severe restrictions on freedom of opinion, expression and assembly. Criticism of the State was punishable by incarceration, and under article 48 of the Press Act, the State could criminalize any statement, publication or news that was critical of it or its organs. The country had no independent national media, and the Government severely limited the availability of foreign media, as well as the foreign and domestic travel of journalists. The resulting information vacuum made it very difficult for the international community to assess the needs of the people. The country also remained one of the hardest to access by e-mail, telephone or Internet.

71. The Democratic People's Republic of Korea lacked specific legislation prohibiting all forms of violence against women, as well as any prevention or protection mechanisms. In a culture that expected women to be obedient, violence against them was pervasive in the home, workplace and community. The State needed to conduct awareness-raising and public education programmes, establish counselling services for victims and adopt comprehensive measures to assist victims and punish perpetrators, including targeted training for law enforcement officials. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) should explore the possibility of establishing a country office to assist the authorities in preventing violence against women.

72. New satellite images of detention camps for political prisoners showed significant growth since 2001. Among the up to 200,000 people in political prisons, thousands were believed to have been imprisoned by reason of guilt by association. Escapees had reported severe abuse and mistreatment. He called on the authorities to release all political prisoners. Furthermore, after more than a decade without a visit by a recognized NGO, it was time for the Government to allow independent international organizations to monitor prison conditions.

73. The Democratic People's Republic of Korea had denied the Special Rapporteur's repeated requests to visit, was behind on its treaty body reporting obligations and had not accepted a single universal periodic review recommendation, making it virtually the only State not to cooperate with any human rights mechanisms. It was the one State in which civil, political, economic, social and cultural rights were denied on a regular basis.

74. In subsequent reports, he would focus on such areas as family reunion, Government abduction of foreign nationals and broader issues of accountability for human rights violations. He continued to believe that his mandate could make a positive contribution to the protection of human rights in the Democratic People's Republic of Korea and again extended an open hand of cooperation to its Government. In closing, he asked the Committee to consider what action it wished to take on the more than twenty reports on the situation in the Democratic People's Republic of Korea that had been submitted since the inception of his mandate.

75. **Mr. Jang** Il Hun (Democratic People's Republic of Korea) strongly rejected the Special Rapporteur's report. His Government would never recognize the mandate of the Special Rapporteur, who was being used to isolate and stifle his country in the guise of promoting and protecting human rights. Any attempt to make use of the report to smear the dignity and prestige of the Democratic People's Republic of Korea could not prevail against the strength of its socialist system.

76. **Mr. Potter** (Australia) said that the human rights situation in the Democratic People's Republic of Korea was among the most appalling in the world. Australia's concern for the prevalence of hunger and malnutrition there was reflected by its strong and rapid response to international appeals. It urged the Government to introduce more food security policies, including sound food production and distribution measures, and to allocate more funds to the food sector by redirecting resources away from its military and weapons programmes. It shared the Special Rapporteur's concerns about violence against women, poor water, sanitation and health care services, extreme limitations on freedom of speech and the welfare of political prisoners and would welcome his views on how Member States could better coordinate their efforts to improve the human rights situation.

77. **Mr. Kodama** (Japan) expressed his delegation's disappointment that the Democratic People's Republic of Korea had never acted on the recommendations from its universal periodic review. It urged the Government to take immediate action to provide food for the vulnerable. His delegation was heartened by the Special Rapporteur's expressed intent to pursue the matter of Government abductions of foreign nationals, which was of universal concern as a violation of basic human rights. The issue of Japanese citizens abducted by the Democratic People's Republic of Korea remained unresolved, despite the Government's unfulfilled 2008 agreement to launch an investigation.

78. **Mr. King** (United States of America) urged the Democratic People's Republic of Korea to cooperate with the Special Rapporteur and the Office of the High Commissioner for Human Rights. He hoped that the Government's decision to allow the United States special envoy to lead a food assessment delegation there in May 2011 marked a turning point towards future dialogue. His delegation appealed to the Government to address the issue of the abducted foreign nationals immediately and to end the punishment of forcibly returned asylum-seekers and their families. It would welcome the Special Rapporteur's insights into how the international community could work to lessen such punishment and, in general, into areas for possible constructive collaboration.

79. **Ms. Boutin** (Canada) said that her Government was deeply disturbed by the reported violations of the right to freedom of opinion and expression, the inequitable distribution of food and the severe conditions found in political prison camps. It continued to appeal to the authorities to respect the fundamental rights of its citizens, including freedom of religion, and to comply with its obligations under international law. Canada was taking all possible measures to compel the Government to cooperate with the United Nations and all other international organizations on human rights issues, including the imposition of further economic sanctions with exemptions for humanitarian purposes, and would appreciate the Special Rapporteur's advice on other useful actions available to Member States.

80. **Ms. Tschampa** (Observer for the European Union) said that the European Union would be presenting a draft resolution on the situation of human rights in the Democratic People's Republic of Korea to address the many concerns raised in the Special Rapporteur's report. Her delegation would appreciate the Special Rapporteur's views on what actions would be most appropriate for encouraging the Government to ease its grip on the media, information and journalists, as well as to cooperate with additional United Nations and non-United Nations agencies; on what the Government could do to ensure adequate nutrition and health care for women and children and on whether the universal periodic review process and the technical expertise of the Office of the High Commissioner for Human Rights could be useful.

81. **Mr. Shin** Dong-ik (Republic of Korea), noting that asylum-seekers forcefully repatriated to the Democratic People's Republic of Korea faced harsh punishment, once again urged all of the countries concerned to adhere rigorously to the principle of non-refoulement. The Republic of Korea was deeply disturbed by the large number of political prisoners. It strongly urged the Democratic People's Republic of Korea to clarify the fate of foreign detainees, including abductees and Korean War prisoners, and to repatriate immediately any still remaining. It called for effective measures to fix the

flawed food production and distribution system. With respect to the Special Rapporteur's intention to focus on issues of accountability, it called on the Government to cooperate fully with the special procedure and other United Nations mechanism, which had the requisite independence to determine responsibility.

82. **Mr. Lomax** (United Kingdom) said that he would like to know if the Special Rapporteur knew what percentage of the population relied on the public food distribution system for the majority of its needs, what percentage of those needs was met by the system, which parts of the population received priority and how effectively the informal economy made up the deficit. He wondered what Member States could do to ensure that citizens of the Democratic People's Republic of Korea who qualified for refugee status were treated in accordance with international law. He urged the Government to seek technical cooperation to address the issues of political prisoners, violence against women, health care and freedom of expression.

83. **Ms. Löw** (Switzerland) urged the Government to adjust its legislation to comply with the International Covenant on Civil and Political Rights; to create more space for independent media; to allow free access to the Internet; to permit journalists to move freely and to adopt specific legislation on domestic violence against women and girls. It should accept the Special Rapporteur's assistance and permit him to enter the country.

84. **Mr. Shakir** (Maldives) expressed the hope that recent bilateral talks would lead to a resumption of the six-party talks and, ultimately, to concrete action to improve the situation of the people in the Democratic People's Republic of Korea, especially with regard to the severe food and water crises. The Maldives appealed to the Government to take immediate steps to protect women and children from trafficking and sexual exploitation and to ensure food security, clean water and adequate health care for them. It strongly urged the Democratic People's Republic of Korea to begin implementing the recommendations in the reports of the Special Rapporteur and Secretary-General immediately.

85. **Ms. Sequensová** (Czech Republic) said that there had been mention in the past of establishing a commission of inquiry to investigate crimes against humanity in the Democratic People's Republic of Korea, as well as of its possible accountability before the International Criminal Court for crimes such as abduction. Her delegation would like to know how much support those ideas had garnered.

86. **Mr. Darusman** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea) said that many of the questions raised had been answered by other delegations in the course of the meeting. However, he did wish to point out that 68 per cent of the population of the Democratic People's Republic of Korea was totally dependent on the food distribution system. Also, when the mandate of the Special Rapporteur had been extended again in April 2011, he had been tasked with expanding humanitarian space. He had therefore concentrated on food insecurity and collaboration with the World Food Programme and similar organizations. He would like to continue to report regularly to the Committee on the food situation, which should be the primary concern of the international community. Once food security was achieved, it would be possible to move on to the other areas of concern mentioned in the resolution establishing his mandate.

87. With respect to the commission of inquiry proposed by his predecessor, he had been exploring the legal basis of a number of alleged abductions of foreign nationals and hoped to be able to report on his analysis at the sixty-seventh session. Since the establishment of the mandate in 2004, the Special Rapporteur and the Secretary-General had issued almost 25 reports on the human rights situation in the Democratic People's Republic of Korea. It was time for the Committee to determine what action should be taken on them. It would be up to the Committee to decide if a commission of inquiry should be established.

The meeting rose at 6.25 p.m.